

Mail Stop Interference  
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Paper 1  
Entered: 23 July 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Gene **Eggleston**, Mitch Hansen,  
Richard Krebs  
Junior Party,  
(Application 09/095,325),

v.

Mihal **Lazaridis**, Gary P. Mousseau  
Senior Party,  
(Patent 6,219,694).

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Patent Interference 105,700 (JL)  
Technology Center 2100

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**DECLARATION – 37 CFR §41.203(d)**

1       An interference is declared (35 U.S.C. § 135(a)) between the above-  
2 identified parties. Details of the application(s), patent (if any), reissue application  
3 (if any), count and claims designated as corresponding or as not corresponding to  
4 the count appear in Parts E and F of this DECLARATION.

1           **Part A. Judge managing the interference**

2           Administrative Patent Judge Jameson Lee has been designated to manage the  
3 interference. 37 CFR § 41.104(a).

4           **Part B. Standing order**

5           A Trial Section STANDING ORDER [SO] (Paper 2) accompanies this  
6 DECLARATION. The STANDING ORDER applies to this interference.

7           **Part C. Initial conference call**

8           A telephone conference call to discuss the interference is set for **10:30 a.m.**  
9 **on September 8, 2009** (the Board will initiate the call).

10          No later than **two business days** prior to the conference call, each party shall  
11 file and serve (SO ¶¶ 10.1 & 105) a list of the motions (37 CFR § 41.120 & 204;  
12 SO ¶¶ 104.2.1, 120 & 204) the party intends to file.

13          A time periods for taking action during the motion phase are set in an order  
14 accompanying this declaration.

15          **Part D. Identification and order of the parties**

16          **Junior Party**

17          Named inventors:       Gene Eggleston, Cary, Illinois  
18                                   Mitch Hansen, Fox River Grove, Illinois  
19                                   Richard Krebs, Cary, Illinois

20          Involved Application:   Application 09/095,325, filed June 10, 1998

21          Title:                   Method and Apparatus for Rate Governing  
22                                   Communications

23  
24          Assignee:               Motorola, Inc.

1  
2       **Senior Party**

3  
4       Named Inventors:       Mihal Lazaridis, Ontario, Canada  
5                               Gary P. Mousseau, Ontario, Canada  
6

7       Involved Patent:       6,219,694 issued from Application 09/087,623,  
8                               filed May 29, 1998  
9

10      Title:                 System and Method for Pushing Information from  
11                               a Host System to a Mobile Data Communication  
12                               Device Having a Shared Electronic Address  
13

14      Assignee:             Research in Motion Limited  
15

16      The senior party is assigned exhibit numbers 1001-1999. The junior party is  
17 assigned exhibit numbers 2001-2999. 37 CFR § 41.154(c)(1); SO ¶ 154.2.1. The  
18 senior party is responsible for initiating settlement discussions. SO ¶ 126.1.

19      **Part E. Count and claims of the parties**

20                               **Count 1**

21      The count is Claim 60 of Application 09/095,325 or Claim 28 of  
22 Patent 6,219,694.

23      The claims of the parties are:

24               Application 09/095,325: Claims 56-63 and 65  
25

26               Patent 6,219,694: Claims 1-36  
27

28      The claims of the parties that correspond to Count 1 are:

29               Claims 56-63 and 65 of Application 09/095,325  
30

31               Claims 1-36 of Patent 6,219,694  
32  
33

1  
2 The claims of the parties that do not correspond to Count 1, and therefore are  
3 not involved in the interference, are:

4  
5 Application 09/095,325: None

6  
7 Patent 6,219,694: None

8  
9 **Benefit**

10 The parties are accorded the following benefit for Count 1:

11 Eggleston Application 08/574,528, filed December 19, 1995.

12  
13 Research in Lazaridis: Application 09/087,623, filed May 29, 1998

14 **Part F. Heading to be used on papers**

The following heading must be used on all papers filed in this interference,  
see SO ¶ 106.1.1:

Filed on behalf of: *Party @.*

Paper *Leave blank*

By: *Counsel Name(s) @*

*Address @*

*(@@@) @@@- @@@@ (telephone)*

*(@@@) @@@- @@@@ (facsimile)*

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## 1

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/Jameson Lee/

## Administrative Patent Judge

## Copy of STANDING ORDER

Copy U.S. Patent 6,219,694

Copy of claims of Application 09/095,325

cc (via overnight delivery):

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